

1 Let me break it down for you since you seem to
2 have problems with that question.

3 MR. PEDIGO: Objection to the sidebars. That's a
4 confusing question.

5 JUDGE STEINBERG: It's withdrawn.

6 MR. PEDIGO: If he signed one, that's one
7 question. If it's as part of this is where you made it
8 confusing. Just break it down, please.

9 JUDGE STEINBERG: Yes. I mean, the question has
10 been withdrawn.

11 I mean, if you want to direct Mr. Brasher's
12 attention to a particular page and he can review a document,
13 then I think he could put the question in context.

14 BY MS. LANCASTER:

15 Q Exhibit 19, do you recognize that Exhibit 19 was a
16 response to the Commission's inquiry letter dated March 4,
17 1999?

18 I believe it states that at the top of the letter,
19 the first page of the letter, on the first page of the
20 exhibit.

21 A This page here?

22 Q Yes. The first sentence says "As per the
23 Commission's request of March 4, 1999 in the above-captioned
24 proceeding, we hereby provide DLB's responses to the
25 questions posed therein."

1 So you understand that Exhibit 19 was prepared in
2 response to an inquiry from the Commission?

3 A Yes.

4 Q Okay. When did you sign a management agreement
5 with DLB?

6 A I thought it was later in '99.

7 Q You don't recall?

8 A I don't recall the exact date, but I did sign two.

9 Q You signed two?

10 A Yes.

11 Q Why did you sign two? One for each station?

12 A One for each station.

13 Q Okay. And did you sign them at the same time?

14 A Yes, ma'am. I did.

15 Q Look at page 486 of Exhibit 19.

16 MR. PEDIGO: And page 458.

17 JUDGE STEINBERG: What page again?

18 MS. LANCASTER: 486.

19 JUDGE STEINBERG: Thank you.

20 MS. LANCASTER: And 458, Mr. Pedigo tells me, is
21 another one.

22 THE WITNESS: What are those numbers again? I'm
23 sorry.

24 MS. LANCASTER: 486 is the first one.

25 JUDGE STEINBERG: 486.

1 BY MS. LANCASTER:

2 Q Have you found 486?

3 A Yes, ma'am.

4 Q Is that a management agreement, one of the
5 management agreements that you signed?

6 A I was flipping to page 10. Yes, that is my
7 signature. That is my writing throughout pages 1 through
8 11.

9 JUDGE STEINBERG: Now, the pages for our record
10 purposes, if you look -- you see the signature page, look at
11 the next page, for our purposes, that's Bates stamp 496 and
12 that's what Mr. Brasher was referring to.

13 That's your signature?

14 THE WITNESS: Yes, sir. It is.

15 JUDGE STEINBERG: And the handwriting throughout
16 the document, which is from page 486 through 496 is yours,
17 the handwritten material?

18 THE WITNESS: Yes, it is.

19 BY MS. LANCASTER:

20 Q Did your mother sign that on behalf of DLB?

21 A I recognize that as her signature. Yes.

22 Q Okay. Look at Bates stamp page 458. When you
23 find that attachment, go to page 468 of that marketing and
24 management agreement.

25 A I'm there.

1 Q Is that also your signature?

2 A Yes, it is.

3 Q And do you recall signing that?

4 A Yes, I did.

5 Q And does that appear to be your mother's signature
6 on behalf of DLB on page 468?

7 A Yes, ma'am.

8 Q Okay. Both of these agreements indicate that they
9 were signed on March 25, 1999, don't they?

10 If you look at page 458 and you look at page 486,
11 they both have the date March 25, 1999.

12 A Yes.

13 Q Is that correct?

14 A Yes, they are.

15 Q Were you asked to sign a marketing and management
16 agreement so that it could be sent in to the Commission?

17 A I would have to assume so, yes.

18 Q Okay. Was there any --

19 JUDGE STEINBERG: Well, the question is do you
20 know?

21 BY MS. LANCASTER:

22 Q I was going to ask was there any conversation
23 regarding that with anyone?

24 A My thought was that this at this time was just
25 straightening things out that probably needed to be

1 straightened out or corrected and this was one step toward
2 that.

3 Q Okay. Did you have any conversations with your
4 father regarding why all of a sudden you needed to sign a
5 marketing and management agreement?

6 A As I stated earlier, it's the thing -- I guess
7 from the original Net Wave position or petition or whatever
8 it is, that we had some things we needed to correct and this
9 was one of the issues that I thought that needed to be --
10 was presented as needing to be corrected or had to be
11 corrected and in my mind we were on our way to doing that.

12 Q Okay. That's what your dad told you?

13 A No, he did not. It was just a general thought in
14 my mind, that, you know, there might have been some issues
15 that needed to be straightened out and this might have been
16 one that had to be straightened out.

17 Q So your dad didn't make any comment to you about
18 signing these marketing and management agreements?

19 A He handed them to me and said we needed to get
20 this on record, I guess, not necessarily on record, but get
21 this particular issue resolved.

22 Q Okay. There had not been any prior conversations
23 about needing to sign any kind of management agreement, were
24 there?

25 A No, I wholeheartedly trust my father.

1 Q Okay. As a matter of fact, you basically had not
2 had any discussions, it was just about DLB managing your
3 licenses, had you?

4 A Well, conversations for years had been that I was
5 going to -- this is a long way around to your answer, is
6 that I was eventually going to join the organization and
7 I looked at it as an opportunity for me to be on the ground
8 floor, own a license.

9 Q But you assumed from the very beginning when you
10 got your licenses that DLB would be handling those licenses,
11 didn't you?

12 A I have a hard -- yes. I mean, yes. Yes.

13 Q When you signed those licenses years before you
14 ever joined DLB, you really didn't actively participate in
15 managing the licenses, did you?

16 MR. PEDIGO: Objection, Your Honor. Years
17 before -- the license was issued, I think, in September '96,
18 he joined DLB several months later, in April.

19 JUDGE STEINBERG: If you want to put some dates in
20 there.

21 MS. LANCASTER: I'll correct my statement.

22 BY MS. LANCASTER:

23 Q When you first signed the licenses, you didn't
24 anticipate at that time participating in the management of
25 either license itself, did you?

1 A I had no concern.

2 Q Right.

3 A Yes.

4 Q You just signed them because your dad needed the
5 spectrum at the Allen site. Isn't that correct?

6 A I looked at it also as an asset for my own estate.

7 Q Certainly. I understand that you may have looked
8 at it that way, but you were asked to sign because they
9 needed spectrum at the Allen site. Isn't that correct?

10 A Yes. Conversations --

11 Q And you wanted to accommodate --

12 MR. PEDIGO: Objection, Your Honor.

13 JUDGE STEINBERG: Let him answer.

14 MS. LANCASTER: Sorry.

15 MR. PEDIGO: Would you restate the question?

16 MS. LANCASTER: I can't.

17 BY MS. LANCASTER:

18 Q Do you remember what you were going to say?

19 A Prior to that, we were saying that I saw the value
20 toward my own estate, I also saw the value toward DLB
21 Enterprises and Metroplex Two Way, looking toward my own
22 future of eventually joining it. Yes, I did realize that it
23 would be used to grow the business and managed by Metroplex
24 Two Way.

25 Q Okay. But you -- are you through?

1 A Yes.

2 Q You basically wanted to accommodate your father's
3 request. Isn't that correct?

4 A Sure.

5 Q Okay. You have a very good relationship with your
6 father, don't you?

7 A Most of the time.

8 Q You live next door to your father?

9 A Yes, I do.

10 Q I believe you said that frequently you eat at
11 their house or they eat at your house, you socialize in that
12 manner with them?

13 A Yes.

14 Q Take vacation with them?

15 A Mm-hmm.

16 JUDGE STEINBERG: That was yes?

17 THE WITNESS: Yes. I'm sorry.

18 BY MS. LANCASTER:

19 Q Consider your family to be very close with your
20 father and your mother. Is that correct?

21 A Yes, ma'am.

22 Q And if they asked you to do a favor for them, you
23 would do it, wouldn't you?

24 A Yes, ma'am.

25 Q Are there any other documents in Exhibit 19 that

1 you specifically recall pulling and saying these need to go
2 in there in that response or being asked to pull to include
3 in this response?

4 A Can I explain my extent of research for Ron or is
5 that out of --

6 JUDGE STEINBERG: Well, if you say are there any
7 documents in Exhibit 19 that you specifically recall and
8 then the rest of it --

9 MS. LANCASTER: Supplying.

10 JUDGE STEINBERG: Well, how can he answer that
11 without looking at the documents?

12 MS. LANCASTER: And we don't want him to do that,
13 do we?

14 JUDGE STEINBERG: I don't care.

15 MS. LANCASTER: It takes too long.

16 JUDGE STEINBERG: It's up to you. I mean, we
17 can -- if you want, what we can do is we can do the same
18 thing we did with Mrs. Brasher in that we can take an
19 extended break when it comes time, we can move on to
20 something else now and then during the break we can take an
21 extended break and have Mr. Brasher look through the
22 attachment to Exhibit 19 with an eye towards answering your
23 question. Because I just don't think it's fair to ask do
24 you remember any specific documents without letting him look
25 at -- I mean, there's a massive amount of documents.

1 MS. LANCASTER: Your Honor, I have no problems
2 with doing that. I will be happy to move on.

3 JUDGE STEINBERG: Sure.

4 MS. LANCASTER: On the other hand, I would argue
5 that it's unfair to expect the Commission not to ask what
6 his participation is in preparing and accumulating the data
7 that goes into each of these exhibits.

8 JUDGE STEINBERG: You can ask what you want to
9 ask. I didn't say there was anything improper about your
10 question. I mean, I'm here all day. I don't care if we
11 spend it asking questions or if we spend it watching
12 witnesses read.

13 MS. LANCASTER: We'll move on and I'll ask him at
14 a break to read the various documents.

15 JUDGE STEINBERG: Yes. And we can take a little
16 extended break.

17 MS. LANCASTER: I'd like to ask him preliminarily
18 if he's seen Exhibit 21 and Exhibit 31 -- well, 30 and 31,
19 which are requests for admissions and the responses and if
20 he has not seen them, I will ask that he also review those
21 documents when we take a break.

22 JUDGE STEINBERG: Well, why don't we do one at a
23 time?

24 MS. LANCASTER: Okay.

25 JUDGE STEINBERG: And see where that takes us.

1 BY MS. LANCASTER:

2 Q Exhibit 21, Mr. Brasher.

3 (Pause.)

4 A I'm familiar with this document.

5 JUDGE STEINBERG: Okay. Mr. Brasher is ready.

6 BY MS. LANCASTER:

7 Q Okay. You're familiar with this document?

8 A My portion of it, yes.

9 Q Okay. If you would turn to page 18, I believe
10 that's the beginning of your portion.

11 A I'm there.

12 Q Did you see this document prior to it being sent
13 in to the FCC?

14 A I saw it prior to being sent to Schwaninger &
15 Associates.

16 Q Okay. The information contained on the document
17 that you saw is the same information that's contained on
18 this document?

19 A Yes.

20 Q Let's move first to Exhibit 30. Have you found
21 it?

22 A Yes. I'm sorry.

23 Q Have you seen this document before?

24 (Pause.)

25 A Yes.

1 Q When did you first see it?

2 A Were these not the questions to the previous
3 exhibit?

4 Q Yes, I believe they are. When did you first see
5 it?

6 A I'm not being smart, but prior to writing the
7 responses.

8 Q Okay. Look at Exhibit 31.

9 A I'm there.

10 Q Have you seen that document before?

11 A Yes, ma'am.

12 Q When did you first see it?

13 A I don't remember the exact date, but I do remember
14 seeing it, I do remember responding to it.

15 Q Okay. Did you go through each question listed on
16 31 and specifically indicate what you wanted your response
17 to that question to be?

18 A Yes, ma'am.

19 Q Okay. And look at Exhibit 32.

20 A The answers.

21 Q Are these your responses to the questions that
22 were asked in Exhibit 31?

23 A Providing there was no correlation error or
24 numbering error, they should match.

25 Q Okay. I will ask --

1 A I have the original document with me, not here,
2 but I do have it here in this state. You know, it's --
3 short of me reading each one, yes, I'd have to believe that
4 this document does match my answers that I gave, in lieu of
5 some of the problems that I've seen, I do have a concern.

6 Q I will ask that at the break you go through and
7 match up and make sure you tell me whether or not the
8 answers on Exhibit 32 are the same answers that you
9 submitted to the FCC as your answers, that were supposed to
10 be submitted to the FCC as your answers. Do you understand
11 my question?

12 A Mm-hmm.

13 Q Or my comment?

14 A We're trying to find out if there was an error
15 between when it left my hands to your hands.

16 Q Correct.

17 A Which we hold no one to blame.

18 Q And if you have the document with you that you say
19 that you wrote your answers on --

20 A It's at the hotel. I can go through it.

21 Q Okay.

22 A I can be 99 percent sure.

23 MR. PEDIGO: Your Honor, if there is a specific
24 RFA you want to ask about --

25 MS. LANCASTER: I want to make sure his answers

1 that are on this exhibit are the answers that he said were
2 supposed to be his answers before I start questioning him
3 about the exhibit.

4 THE WITNESS: I'm not being difficult, it's
5 just --

6 JUDGE STEINBERG: No, just answer. You don't have
7 to make any comments.

8 THE WITNESS: Okay. Yes, Your Honor.

9 JUDGE STEINBERG: You're doing fine.

10 (Pause.)

11 MS. LANCASTER: Well, I'll tell you what.
12 I won't -- in the interests of time, I will go ahead and ask
13 a couple of questions.

14 BY MS. LANCASTER:

15 Q Question 2 on Exhibit 31 states "From June 1996
16 through June 1999, respondent was the vice president and
17 director of DLB Enterprises, Inc." And you denied that in
18 your response in number 32.

19 Why did you deny that?

20 A I am neither a director nor was I employed by DLB
21 during June of 1996.

22 Q I don't believe it asked if you were employed. It
23 says you were a vice president and a director. You were not
24 a director and that's why you said denied?

25 A Yes. And I was --

1 Q Although you do understand that in an earlier
2 response to a Commission inquiry DLB and your father had
3 submitted a response that said you were a director. Do you
4 realize that?

5 A Yes. I was surprised.

6 Q You were surprised when?

7 A As a director.

8 Q I don't understand that response. Could you
9 explain what you mean?

10 A I was surprised that I was a director.

11 Q Okay. Back when you did this, did you make an
12 inquiry --

13 JUDGE STEINBERG: What is "this"?

14 MS. LANCASTER: I'm sorry.

15 BY MS. LANCASTER:

16 Q When you responded to the questions asked in
17 Exhibit 31, did you make an inquiry as to whether or not you
18 were a director? Did you ask your father or ask your mother
19 or ask anyone associated with DLB whether or not you were a
20 director?

21 A My frame of mind when I was filling this out or
22 answering this question was even though you're correcting me
23 is that no, I was not. I looked at it is as if I wasn't an
24 employee, yes, I was and I always have been a vice
25 president, but the fact of the matter I wasn't an employee,

1 so how could I answer for something in June of '96 as well
2 as the concern was that I was not a director. That was my
3 frame of mind.

4 Q So in other words, you didn't answer my question.
5 Did you consult with anyone at DLB about whether or not you
6 were a director prior to responding to question 2?

7 A No, these were my responses.

8 Q Okay. And an attorney submitted these responses
9 on your behalf. Is that correct?

10 A Yes, I forwarded them in a packet.

11 Q Okay. And you had conversations with the attorney
12 regarding your answers?

13 A No.

14 Q In question number 8 in Exhibit 31 is "From June
15 of 1996 through 1999, respondent's duties including
16 overseeing DLB's compliance with FCC regulations." And your
17 response to number 8 was that you denied it.

18 Who was in charge of overseeing DLB's compliance
19 with FCC regulations at that time?

20 A My father, Ronald Brasher.

21 Q Okay. Even through June of 1999?

22 A Yes.

23 Q Question number 9 in Exhibit 31 says "From June of
24 1996 through June of 1999, respondent was familiar with the
25 Part 90 requirements and procedures for obtaining FCC

1 licenses." And you denied that in your response on Exhibit
2 32.

3 A I heard your question, but what number were we
4 talking about?

5 Q Number 9.

6 A Number 9.

7 Q Are you familiar with the Part 90 requirements and
8 procedures now?

9 A More so now, yes.

10 Q When did you become familiar with them?

11 A Starting some time within '98, '99 timeframe, when
12 I was doing a lot of this research.

13 Q Question 19 on page 3 of the request for
14 admissions, Exhibit 31, asked for you to admit or deny
15 whether O.C. Brasher -- it says "O.C. Brasher did not sign
16 O.C.'s original application." And I believe your response
17 to question 19 was that you have no knowledge of that.

18 MR. PEDIGO: That's incorrect.

19 JUDGE STEINBERG: Why don't you read the response?

20 MS. LANCASTER: Okay.

21 BY MS. LANCASTER:

22 Q The response was "Neither admit nor deny.
23 Respondent lacks specific knowledge."

24 A Yes, ma'am.

25 Q What did you mean by that?

1 A I didn't -- at that time, I really did not know
2 who had signed for it or had it even been signed.

3 Q What did you think "original application" meant?

4 A I don't know what I thought.

5 Q As far as you knew, when was O.C.'s application
6 submitted to the FCC?

7 A I don't know.

8 Q Did you do any research at all to prepare to
9 answer any of the requests for admissions?

10 A Research? No. I went by the frame of mind of
11 when this all occurred in reference to my realm of knowledge
12 at that time. I have hard time -- I'm sorry.

13 Q Go ahead.

14 JUDGE STEINBERG: Complete your answer. You have
15 a hard time doing something.

16 THE WITNESS: I have a hard time going back to
17 what I knew last week, not what I've learned here, to what
18 was expected to be answered. I mean, if you understand what
19 I'm saying is that I know a lot more now, but I can't -- you
20 know, it's hard for me to go back, what did I know in 1996,
21 1995, 1997.

22 BY MS. LANCASTER:

23 Q You submitted these answers or completed them, at
24 least the date on page 6 of them, is November 17, 2000.

25 A The frame of mind --

1 Q Is it your testimony today that you answered the
2 questions as you -- you filtered your answers to the
3 questions so that they would only reflect what you would
4 have known in 1995 or 1996? Is that what I understand you
5 to say?

6 A I have to on some of these.

7 Q So you did not answer these questions with any
8 knowledge that you had gained by working at DLB?

9 A No.

10 Q And you did not look up any information that you
11 did not know off the top of your head?

12 A No.

13 Q As far as you knew, how many applications had O.C.
14 completed?

15 A I didn't know. I didn't know anything about
16 O.C. Brasher.

17 Q Okay. Let's look at question number 23 of Exhibit
18 31. It says "The assignment application filed with the FCC
19 in the name of O.C. Brasher (O.C.'s assignment application)
20 was not signed by O.C. Brasher." And if you look at your
21 response to that in Exhibit 32, you stated "Neither admit
22 nor deny. Respondent lacks specific knowledge."

23 What did you mean by "lacks specific knowledge"?

24 A As I read that, I took it at face value. I didn't
25 know anything about O.C. Brasher.